

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GREENLIGHT CAPITAL INC. et al.,

Plaintiffs,

-v-

JAMES T. FISHBACK,

Defendant.

24 Civ. 4832

ORDER

PAUL A. ENGELMAYER, District Judge:

On August 26, 2024, defendant filed a motion to dismiss, to strike, and to compel arbitration under Federal Rule of Civil Procedure 12 and the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.* See Dkt. 10. Under Federal Rule of Civil Procedure 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) or (f) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiffs shall file any amended complaint by September 16, 2024. No further opportunities to amend will ordinarily be granted. If plaintiffs do amend, by October 7, 2024, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiffs, stating that defendant relies on the previously filed motion to dismiss.<sup>1</sup>

It is further ORDERED that if no amended complaint is filed, plaintiffs shall serve any opposition to the motion to dismiss by September 16, 2024. A reply from defendant shall be served by September 30, 2024. At the time any reply is served, the moving party shall supply

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<sup>1</sup> If defendant files a new motion to dismiss or relies on his previous motion, an opposition from plaintiffs will be due 14 days thereafter, and a reply from defendant will be due seven days after that.

the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to [EngelmayerNYSDChambers@nysd.uscourts.gov](mailto:EngelmayerNYSDChambers@nysd.uscourts.gov).

SO ORDERED.



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PAUL A. ENGLMAYER  
United States District Judge

Dated: August 27, 2024  
New York, New York